

## **REMARKS**

Claims 1-5, 7, and 13-22 are pending in the application. Claims 21-22 are added. Claims 8-12 are cancelled. No new matter is added. Support for claims 21-22 may be found, for example, in FIGs. 2 and 3. The Office Action's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

### **I. Allowable Subject Matter**

Applicants appreciate the Examiner's indication that claims 1-5, 7, and 13-20 are allowable.

### **II. Non-Statutory Double Patenting Rejection**

The Office Action rejects claim 12 under non-statutory obviousness type double patenting over claim 1 of U.S. Patent No. 6,744,713 (hereinafter "713 patent"). Claim 12 is cancelled thereby obviating this rejection. Applicants reserve the right to pursue claim 12 and other claims in this and other applications.

### **III. Claim Rejections under 35 U.S.C. §102**

The Office Action rejects claims 8-10 under 35 U.S.C. §102(e) over U.S. Patent No. 5,644,444 (hereinafter "Braithwaite"). Applicants respectfully traverse the rejections of these claims for at least the following reasons.

By this Amendment, claims 8-10 are cancelled. Thus, the rejections as to claims 8-10 are moot.

Accordingly, withdrawal of the rejection is respectfully requested.

### **IV. Claim Rejections under 35 U.S.C. §103**

The Office Action rejects claim 11 under 35 U.S.C. §103(a) over Braithwaite in view of U.S. Patent No. 5,793,779 (hereinafter "Yonemitsu"). Applicants respectfully traverse this rejection for at least the following reasons.

By this Amendment, claim 11 cancelled. Thus, the rejection as to claim 11 is moot.

Accordingly, withdrawal of the rejection is respectfully requested.

**V. New Claims**

Claims 21-22 are added.

Independent claim 21 recites “a lead-in area comprising a read-only area having information on physical specification of the disc and rewritable data area; and a user data area; wherein a disc definition structure is stored in a defect management area of the rewritable area, and a write protection information of the disc is stored in the disc definition structure, and wherein the write protection information informs to a recording apparatus receiving the disc whether a recording of user data on the user data area is prohibited.”

Independent claim 22 recites “An apparatus for recording data on a disc, said disc including a lead-in area comprising a read-only area having information on physical specification of the disc and a rewritable data area, and a user data area, the apparatus comprising: a pickup for recording user data on the user data area of the disc; a controller for checking a write protection information stored in a disc definition structure of a defect management area in the rewritable area, and for determining whether recording of user data on the user data area of the disc is prohibited.”

Applicants submit that Braithwaite and Yonemitsu, either individually or in combination, fail to disclose or render obvious the presently claimed combination of features recited in independent claims 21 and 22.

Therefore, in view of the foregoing, Applicants respectfully submit that the independent claims 21 and 22 are in condition for allowance.

**VI. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Please charge any fees under 37 CFR 1.16 and 1.17 that may be required for this paper only to Deposit Account No. 50-5113 in the name of North Star Intellectual Property Law, PC.

Respectfully Submitted

NSIP LAW

Date: 25 August 2011

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